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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/015,434

12/13/2001

Bradley J. Howard

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EXAMINER

NGUYEN, KHIEM D

ART UNIT

PAPER NUMBER

2823

MAIL DATE

DELIVERY MODE

04/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/015,434	Applicant(s) HOWARD, BRADLEY J.	
	Examiner Khiem D. Nguyen	Art Unit 2823	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 March 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: none.
 Claim(s) objected to: none.
 Claim(s) rejected: 6,8-10,19,21-23,34-37 and 49-53.
 Claim(s) withdrawn from consideration: none.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.


BROOK KEBEDE
PRIMARY EXAMINER

K.N.
 April 1st, 2007

Continuation of 3. NOTE: The proposed amendment changing the scope of independent claims 19 and 49 raised new issues (i.e., "...after the exposure which is utilized to form the patterned insulative layer." and "...subsequently converted into additional insulative material after formation of the mask.") requiring further consideration and new search.

Continuation of 11. does NOT place the application in condition for allowance because: Applicant contend that the references Agostino et al. (U.S. Patent 5,215,861), herein known as Agostino, in view of Parikh (U.S. Patent 6,127,263), herein known as Parikh does not teach or suggest subsequent formation of an insulative film after the original exposure of the masking steps.

In response to Applicant's contention that Agostino in view of Parikh does not teach or suggest subsequent formation of an insulative film after the original exposure of the masking steps, Examiner respectfully disagrees.

Applicant's attention is directed to (col. 4, lines 3-22 and FIG. 1), where Agostino discloses a substrate 6, at least one feature 14 formed on the substrate 6 through exposure to electro-magnetic radiation (UV) in a positive mask scheme and by using non-exposed portions 13 of the photo-definable layer 2 (photoresist) as a mask to form the at least one feature 14.

Agostino does not explicitly shows subsequent step of converting the photo-definable layer which (1) remain after the positive mask scheme to the insulative layer through exposure to further electro-magnetic radiation.

The secondary reference, Parikh, however, suggests that a photo-definable layer (CVD plasma polymerized methylsilane, PPMS) 418 being used as a mask to form a feature (trench pattern) 424 capable of exposed to further electro-magnetic radiation (UV light) to convert into plasma polymerized methylsilane oxide (PPMSO) (col. 9, lines 33-50 and FIG. 4B).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the teaching of Parikh into Agostino to use the PPMS layer of Parikh as a mask to form a feature, and then expose the PPMS layer to further electro-magnetic radiation to convert the PPMS layer to PPMSO layer for further processing.

Applicant's remaining argument relies on the proposed amendment which has not been entered.

For this reason, Examiner holds the final rejection proper.